IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.2814 OF 2006

Bhushan Subhash Thakre — Petitioner
vs.
The Director, Directorate of Technical Education, M.S. & anr. — Respondents

Mr.A.L.Gore i/b.Mr.C.J.Abhyankar for the petitioner.

Mr.A.A.Kumbhakoni, Associate Advocate General for respondent no.1.

Mr.R.A.Rodrigues for respondent no.2.

CORAM : F.I.REBELLO &
ANOOP V. MOHTA,JJ.

DATED : 14th November, 2006

P.C.

Rule. Heard forthwith.

2. The petitioner is a diploma holder who has secured more than 50% marks. In terms of the information brochure issued by the Directorate of Technical Education, Maharashtra State, Mumbai, the diploma holders who get more than 50% marks are eligible to apply for admission to the first year degree course in Engineering. Their cases, however, have to be considered in respect of the seats which are vacant after the CET process.

3. In the instant case, the petitioner had applied for

admission to the Datta Meghe College of Engineering on 27th July 2006 by form no.2293. It appears that along with the admission form, the petitioner did not annexe the eligibility certificate and consequently his form was rejected. The petitioner has approached this court on 20th October 2006 after, according to him, he tried his level best to approach the appropriate authorities to give him no objection to be admitted to the Engineering course. The University has notified the term. This is for one year. However, it is divided in the two semesters. The petitioner has approached this court before the first semester term revised date of commencement was over. The fact, however, remains that admission process was delayed and the last date by which students were admitted was 28th September 2006 in the CAP. It is only after that the students like the petitioner if seats are available in terms of the brochure who could have been considered. Bearing these facts in mind and the fact that the petitioner came to this court on 20th October 2006 that we are considering the petitioner's case.

4. The other aspect of the matter is that to appear for the examination a student must have put in the required number of attendance. There is power in the Principal in terms of Ordinance 120 to condone the delay of 25%. The larger power is in the management Council. The

examinations are due on 4th December, 2006. On behalf of the petitioner, the learned counsel makes a statement that there are still seats available and is willing to take a chance if he is admitted in the college.

5. Considering the above, the following directions:

(i) Respondent no.1 to forthwith issue NOC to the petitioner. On the NOC being issued, Datta Meghe College of Engineering to admit the petitioner to the first year engineering course on the petitioner furnishing the necessary documents including the provisional admission certificate.

(ii) The right of the petitioner to appear for the examination would be subject to the University Ordinance no.120.

6. Rule made absolute accordingly. There shall be no order as to costs.

(F.I. REBELLO, J.)

(ANOOP V. MOHTA,J.)